

By: Canales

H.B. No. 665

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that contractors verify compliance with wage payment laws in contracts with public bodies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2252, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. CONTRACTING REQUIREMENTS AND RESTRICTIONS

Sec. 2252.201. APPLICABILITY. This subchapter applies to a public body of:

(1) a state agency, as defined by Section 315.002; and

(2) a political subdivision, as defined by Section 609.001.

Sec. 2252.202. CERTIFICATION BY CONTRACTOR. (a) A public body may not contract for goods or services in this state unless the contractor certifies in writing to the public body that within the five years preceding the date of the contract the contractor, including any subcontractor, has not admitted guilt or been found guilty or liable in any judicial or administrative proceeding for a repeated or wilful violation of Chapter 61 or 62, Labor Code, the Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), or any similar statute or regulation of any state that governs the payment of wages.

(b) Each contract with a public body must include the following statement:

1 " (name of contractor) certifies that
2 (name of contractor and any subcontractor) is not ineligible for
3 this contract under Subchapter F, Chapter 2252, Government Code,
4 and acknowledges that, if this certification is inaccurate, the
5 inaccuracy constitutes a default of this contract on notice from
6 the public body and the contractor may be barred from participating
7 in contracts with any public body in this state."

8 Sec. 2252.203. DEBARMENT. (a) A public body that
9 determines a contractor is ineligible for a contract under Section
10 2252.202 shall refer the matter to the comptroller for action.

11 (b) Using procedures prescribed by Section 2155.077, the
12 comptroller shall bar a contractor from participating in a contract
13 with a public body if the comptroller determines that the
14 contractor was awarded a contract in violation of Section 2252.202
15 or became ineligible for the contract under that section during the
16 term of the contract.

17 (c) Debarment under this section expires on the fifth
18 anniversary of the determination under Subsection (b).

19 Sec. 2252.204. ADMINISTRATIVE PROCEDURES. Each public body
20 shall develop procedures for the administration of this subchapter.

21 SECTION 2. Each public body of a state agency or political
22 subdivision of this state that is subject to Subchapter F, Chapter
23 2252, Government Code, as added by this Act, shall develop the
24 procedures required under Section 2252.204, Government Code, as
25 added by this Act, not later than October 1, 2017.

26 SECTION 3. Subchapter F, Chapter 2252, Government Code, as
27 added by this Act, applies only to a contract for which the request

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1 for bids or proposals or other applicable expressions of interest
2 is made public on or after January 1, 2018.

3 SECTION 4. This Act takes effect September 1, 2017.